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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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RECEIVED

Applicants: John B. Harley, Judith A. James, and Kenneth M. Kaufman

MAY 30 2000

Serial No.: 09/500,904

Group Art Unit: Not yet assigned

TECH CENTER 1600/2900

#5

Filed: February 9, 2000

Examiner: Not yet assigned

For: *DIAGNOSTICS AND THERAPY OF EPSTEIN-BARR VIRUS IN  
AUTOIMMUNE DISORDERS*

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
MAY 30 2000  
TECH CENTER 1600/2900

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION AND  
REQUEST FOR CORRECTED FILING RECEIPT**

Sir:

Applicants enclose copies of the following which were filed in the U.S. Patent and Trademark Office on April 10, 2000, in the above-identified application:

1. Response to Notice to File Missing Parts of Nonprovisional Application with Certificate of Mailing Under 37 C.F.R. § 1.8(a);
2. Declaration of Inventorship executed by John B. Harley, Judith A. James, and Kenneth M. Kaufman;
3. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(d) --- Non-Profit Organization) executed by Oklahoma Medical Research Foundation;
4. Statement Under 37 C.F.R. § 3.73(b) executed by assignee Oklahoma Medical Research Foundation, with attached copies of the (a) executed Assignment from Judith A. James

and Kenneth M. Kaufman to Oklahoma Medical Research Foundation, (b) executed Assignment from John B. Harley to The Board of Regents of the University of Oklahoma, and (c) executed Assignment from The Board of Regents of the University of Oklahoma to Oklahoma Medical Research Foundation;

5. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(d) --- Nonprofit Organization) executed by licensee The Board of Regents of The University of Oklahoma;
6. Check in the amount of \$65.00 for the small entity surcharge for late filing the Declaration of Inventorship; and
7. Returned postcard indicating receipt by the Patent Office of item Nos. 1-5 on April 14, 2000.

Applicants also enclose a copy of the Notice to File Missing Parts of Nonprovisional Application mailed April 10, 2000.

Applicants had not received the Notice to File Missing Parts of Nonprovisional Application before the Response was mailed on April 10, 2000.

Counsel notes that the Notices to File Missing Parts of Nonprovisional Application are not being timely transmitted by the Patent Office **before** the two-month deadline for requesting a 50% refund of filing fees. Therefore, applicants are required to **resubmit** documents that have already been filed once the Notice is received requiring a response. Additionally, official Filing Receipts have not been transmitted timely, and applicants are precluded from requesting a corrected Filing Receipt when the Response to Notice to File Missing Parts of Nonprovisional

U.S.S.N.: 09/500,904  
Filed: February 9, 2000  
**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION AND  
REQUEST FOR CORRECTED FILING RECEIPT**

Application is filed. Timely mailings from the Patent Office would be much appreciated so that timely responses could be filed without later resubmission of those responses.

**Request for Corrected Filing Receipt**

Applicants respectfully request a corrected Filing Receipt to correct the title and the continuing data of the application. The correct title is: "*Diagnostics and Therapy of Epstein-Barr Virus in Autoimmune Disorders*". The only continuing data on the Filing Receipt that is cited by applicants on the Declaration of Inventorship and the application is "This application is a CIP of 08/781,296 filed January 13, 1997". The additional continuing data on the official Filing Receipt should be deleted. Priority to these applications is not claimed. Applicants enclose a copy of the Filing Receipt with the corrections noted in red.

No fees are due at this time.

Respectfully submitted,

  
\_\_\_\_\_  
Patrea L. Pabst

Reg. No. 31,284

Date: May 11, 2000

ARNALL GOLDEN & GREGORY, LLP  
2800 One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3450  
404-873-8794 (telephone)  
404-873-8795 (fax)

**RECEIVED**  
**MAY 30 2000**  
**TECH CENTER 1600/2900**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John B. Harley, Judith A. James, and Kenneth M. Kaufman

Serial No.: 09/500,904 Group Art Unit: Not yet assigned

Filed: February 9, 2000 Examiner: Not yet assigned

For: *DIAGNOSTICS AND THERAPY OF EPSTEIN-BARR VIRUS IN AUTOIMMUNE DISORDERS*

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION**

Sir:

Applicants enclose the following for filing in the above-identified application:

1. Declaration of Inventorship executed by John B. Harley, Judith A. James, and Kenneth M. Kaufman;

2. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(d) ---

Non-Profit Organization) executed by Oklahoma Medical Research Foundation;

3. Statement Under 37 C.F.R. § 3.73(b) executed by assignee Oklahoma Medical

Research Foundation, with attached copies of the (a) executed Assignment from Judith A. James and Kenneth M. Kaufman to Oklahoma Medical Research Foundation, (b) executed Assignment from John B. Harley to The Board of Regents of the University of Oklahoma, and (c) executed

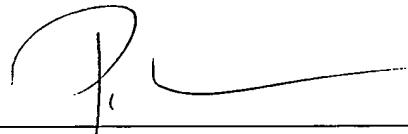
Assignment from The Board of Regents of the University of Oklahoma to Oklahoma Medical Research Foundation;

4. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(d) --- Nonprofit Organization) executed by licensee The Board of Regents of The University of Oklahoma; and
5. Check in the amount of \$65.00 for the small entity surcharge for late filing the Declaration of Inventorship.

Applicants have not yet received the Notice to File Missing Parts of Nonprovisional Application.

Please charge any other fees due, or credit any overpayment, in connection with this matter to Deposit Account No. 01-2507. A duplicate of this transmittal is enclosed to facilitate this process.

Respectfully submitted,



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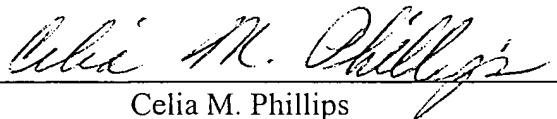
Patrea L. Pabst  
Reg. No. 31,284

Date: April 10, 2000

ARNALL GOLDEN & GREGORY, LLP  
2800 One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3450  
404-873-8794 (telephone)  
404-873-8795 (fax)

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this Response to Notice to File Missing Parts of Nonprovisional Application, together with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231.

  
\_\_\_\_\_  
Celia M. Phillips

Date: April 10, 2000

U.S.S.N.: 09/500,904  
Filed: February 9, 2000  
**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION AND  
REQUEST FOR CORRECTED FILING RECEIPT**



**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this Response to Notice to File Missing Parts of Nonprovisional Application and Request for Corrected Filing Receipt, together with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231.



\_\_\_\_\_  
Teresa R. Spratt

Date: May 11, 2000

## FORMALITIES LETTER



\*OC00000005039805\*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
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09/500,904

02/09/2000

John B Harley

OMRF 161 CIP

Patrea L Pabst  
 Arnall Golden & Gregory LLP  
 2800 One Atlantic Center  
 1201 West Peachtree Street  
 Atlanta, GA 30309



Date Mailed: 04/10/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

## FILING RECEIPT



\*OC00000005065074\*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: ASSISTANT SECRETARY AND  
COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
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09/500,904 02/09/2000 1642 581 OMRF 161  
CIP - 26 6

Patrea L Pabst  
Arnall Golden & Gregory LLP  
2800 One Atlantic Center  
1201 West Peachtree Street  
Atlanta, GA 30309



Date Mailed: 04/20/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

John B Harley, Oklahoma City, OK ;  
Judith A James, Edmond, OK ;  
Kenneth M Kaufman, Oklahoma City, OK ;

## Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CIP OF 08/781,296 01/13/1997  
~~WHICH CLAIMS BENEFIT OF 60/019,052 05/16/1996~~  
~~AND A CIP OF 08/160,804 11/30/1998~~

RECEIVED

## Foreign Applications

APR 24 2000

If Required, Foreign Filing License Granted 04/08/2000

PATENT DEPT.

\*\* SMALL ENTITY \*\*

## Title

~~Diagnostic therapy of Epstein-Barr virus in autoimmune disorders~~

Diagnostics and Therapy

DISORDERS

## Preliminary Class

424

DOCKETED FOR \_\_\_\_\_  
BY J. STINES-HATCHER \_\_\_\_\_  
DATE 4-28-00

Data entry by : GUNTER RILEY, JOYCE

Team : OIPE

Date: 04/20/2000



**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
 Office of Initial Patent Examination  
 Customer Service Center  
 Washington, DC 20231



THE FACE OF THIS CHECK HAS A SECURITY VOID BACKGROUND PATTERN - DO NOT CASH IF THE WORD VOID IS VISIBLE

**Arnall Golden & Gregory, LLP**

PATENT OPERATING ACCOUNT  
2800 ONE ATLANTIC CENTER - ATLANTA, GA 30309-3450

Date: 4/10/2000

Pay: Sixty-five and 00/100 Dollars\*\*\*\*\*

To The US Commissioner of Patents & Trademarks (01-2507)

Order Of:  
To The  
US Commissioner of Patents & Trademarks (01-2507)

01-2507  
Box 16  
Washington, DC 20231

\*\*\*\*\*  
TWO SIGNATURES REQUIRED  
ON AMOUNTS OVER \$1000

\*\*\*\*\*  
12241:0610001041:88019591910

Check No. 12241

Atlanta, Georgia

12241

VOID AFTER 90 DAYS

Check Amount

\$65.00

Vendor-Assigned Cust. No. 01-2507

Check #: 12241

Entry Date	Disb ID	Disbursement Description	Client Code	Matter Code	Amount
4/10/2000	979480	Filing fees	20487	256	\$65.00
OMRF 161 CIP - for filing fees paid to US Patent and Trademark Office for Declaration of Inventorship					Disbursements Total: \$65.00



The "Received" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Applicants: John B. Harley, Judith A. James, and Kenneth M. Kaufman

Serial & Docket Nos.: 09/500,904 OMRF 161 CIP  
Filed: February 9, 2000 APR 7 4 2000  
Papers Submitted:

Response to Notice to File Missing Parts of Non-~~PROVISIONAL~~ Application with Certificate of Mailing Under 37 C.F.R. § 1.8(a) (in duplicate); executed Declaration of Inventionship by John B. Harley, Judith A. James, and Kenneth M. Kaufman; executed Statement Claiming Small Entity Status by Oklahoma Medical Research Foundation; executed Statement Under 37 C.F.R. § 3.73(b) by Oklahoma Medical Research Foundation, with copies of executed Assignments from (1) Judith A. James and Kenneth M. Kaufman to Oklahoma Medical Research Foundation, (2) John B. Harley to The Board of Regents of the University of Oklahoma, and (3) The Board of Regents of the University of Oklahoma to Oklahoma Medical Research Foundation; check for \$65.00; and authorization to charge Deposit Account

Date: April 10, 2000  
By: Patrea L. Pabst, Reg. No. 31,284

Client/Matter No.: CC-4 20487/256